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# Tendring District Council



## GAMBLING ACT 2005 APPLICATION PACK FOR NOTIFICATION OF UP TO 2 GAMING MACHINES

1. This form is to be used for **Notification of up to 2 gaming machines** of categories C and / or D under Section 282 of the Gambling Act 2005, or for the **conversion of an existing Section 34** gaming machine permit under the Gaming Act 1968, or for a **new application, variation or transfer** of a alcohol licensed premises gaming machine permit under the Gambling Act 2005.
2. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.
3. The gaming machines must be located on these licensed premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. There is no statutory limit to the number of machines which may be applied for although the licensing authority has some discretion in this regard. It should also be noted that the licensing authority can cancel the permit or vary the number of machines should the premises be mainly used for making gaming machines available for use on the premises (Schedule 13 paragraph 16 Gambling Act 2005). You may therefore wish to contact the licensing authority to ask whether there is a local policy as regards applications and whether application for certain numbers of machines are decided via a hearing of local councillors.
6. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable 30 days after the permit comes into effect and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50. There are no annual fees payable for 2 machines or less.
7. Sections 282 and 283, as well as SI 2007 / 1832. of the Gambling Act 2005 provide for two types of gaming machines which can be located in alcohol licensed premises. These are:

<b>Machine Category</b>	<b>Maximum Stake (from January 2014)</b>	<b>Maximum Prize (from January 2014)</b>
<b>C</b>	£1	£100
<b>D</b> money prize	10p	£5
<b>D</b> non-money prize (other than crane grab machine)	30p	£8
<b>D</b> non-money prize (crane grab machine)	£1	£50
<b>D</b> combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
<b>D</b> Combined money and non-money prize (coin pusher or penny falls machines)	20p	£20 (of which no more than £10 may be a money prize)

8. **All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005 and also any matters raised in the Licensing Authorities Statement of Licensing Principles (see appendix 1).** The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/>. Should you be unclear as to the provisions of the code of practice please contact the Gambling Commission or your local Council's licensing service.
  9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.
  10. Where you are notifying the local licensing authority of 2 machines or less, you may wish to request an acknowledgement of receipt of the notification. The form attached to this application can be utilised for this purpose.
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### **(ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D.

Gaming machines can only be located on licensed premises that have a bar for serving customers.

Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as GameCare.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.